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CENTRAL FAX CENTER

Application No. 10/784,406
Amendment dated February 15, 2007
Reply to Office Action of October 27, 2006

8

FEB 16 2007

Docket No.: 62449A

REMARKS/ARGUMENTS

Claim 41 is amended to depend from Claim 16 instead of Claim 15. New Claims 45 and 47 are added which add the limitations that the filler is an inorganic mineral. These claims depend from Claims 36 and 41, respectively. Claims 46 and 48 are added which add the limitations that the filler is calcium carbonate, magnesium silicate or calcium silicate. These claims depend from Claims 45 and 47, respectively. Claims 45 to 48 are supported in the specification at page 11, lines 25 to 27. A fee sheet is enclosed herewith authorizing payment of the fees for the added claims from the assignee's deposit account.

Arguments Relative to the Rejection According to 35 USC 103

The crux of the rejection set out in the Official Action dated October 27, 2006 is stated as: "The reference (referring to GB 1,299,480) does not expressly disclose mixtures of various copolymers, however, the reference expressly discloses various copolymers as equally suitable for the invention, including EVA, and E-(meth)acrylic acid copolymers. The reference also refers to suitable copolymers in plural, thus implying that mixtures of the copolymers may be used. Even if, there is no expressed suggestion to use mixtures of the copolymers, such as EVA with E-(methacrylic acid), or terpolymers, in view of the expressed disclosure of equal suitability of various copolymers for the invention, it would have been obvious to use blends of two or more copolymers with reasonable expectation of adequate results. No showing of unexpected results that can be attributed to the presence of at least two difference copolymers (one of which is either ethylene-acrylic acid copolymer, an ethylene-methacrylic acid copolymer, or an ethylene-acrylic acid-methacrylic acid terpolymer) are so far presented anywhere on the record."

The cited references do not teach or suggest an adhesive composition in the form of free-flowing pellets comprising a crosslinkable resin of at least one of an ethylene-acrylic acid copolymer, an ethylene-methacrylic acid copolymer or an ethylene-acrylic acid-methacrylic acid terpolymer and at least one or more copolymers of ethylene with an ethylenically unsaturated monomer as claimed in Claims 1, 15 and 16.

Application No. 10/784,406
Amendment dated February 15, 2007
Reply to Office Action of October 27, 2006

9

Docket No.: 62449A

The cited references do not teach or suggest a composition which further comprises an adhesion promoter which comprises a mixture of a tackifier and a plasticizer as claimed in Claims 7 and 23. Nor do the references teach or suggest the relative amounts of the tackifier and plasticizer as claimed in Claims 20 and 24.

The cited references do not teach or suggest a composition wherein the pellets are coated with a powder comprising a filler applied in an amount of from about 0.2 to about 2 percent based on the weight of the composition, as claimed in Claims 36 and 41.

The assertion that GB 1,299,480 suggests the use of a blend of copolymers is the crux of the argument in the Official Action to justify a finding of *prima facie* obviousness. Applicants assert that this reference does not suggest the use of a blend of copolymers as required by the claims. GB 1,299,480 refers to the copolymer used as "a copolymer of" at page 1, line 35. At line 74 and following on page 1, the copolymers are described as: "The ethylene copolymers used in this invention are copolymers of ethylene with comonomers containing at least three and not more than six carbon atoms in the molecule and the monomer molecule also contains a carboxy group... ." The use of plural refers to the fact that different kinds of copolymers may be chosen for use in the invention. It does not refer to the concept that blends of copolymers can be chosen for use in the invention. GB 1,299,480 does not disclose the use of a blend of copolymers. Thus, the underlying premise of the rejection is not supported by the reference. Because the underlying premise of the rejection is not supported, the rejection must be withdrawn as there is no motivation to modify the teachings of the primary reference to achieve the claimed invention.

Even if one would read the cited passages to suggest the use of a blend of copolymers, there is no teaching or suggestion that the blend should be a resin composition comprising at least one of an ethylene-acrylic acid copolymer, an ethylene-methacrylic acid copolymer or an ethylene-acrylic acid-methacrylic acid terpolymer and at least one or more copolymers of ethylene with an ethylenically unsaturated monomer. The Official Action does not cite any passage from the primary reference which suggests this combination.

The Official Action states that the primary reference teaches that all of the copolymers described are equivalent. No passage of the reference is cited for this proposition. Further, this is in direct contradiction to the data found in the examples of the instant invention.

Application No. 10/784,406
Amendment dated February 15, 2007
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10

Docket No.: 62449A

In particular, Examples 11 to 14 show this is not the case. On page 19 the ingredients of the formulations are listed. Examples 11 and 12 do not contain an acrylic acid or methacrylic acid containing co- or terpolymer. Conversely, Examples 13 to 14 include such a polymer. Table 5 shows adhesion testing on Examples 11 to 14. It can be seen that the examples without the acrylic or methacrylic acid containing co- or terpolymer demonstrate much poorer adhesion characteristics. In particular under all conditions, Examples 13 and 14 demonstrate the desired failure mode of cohesive failure and higher lap shear strengths at break than do Examples 11 and 12. Note, Examples 11 and 12 demonstrate several occurrences of the undesired failure mode of adhesive failure. This data rebuts the contention in the Official Action that the various copolymers disclosed in GB 1,299,480 are equivalent, for if they were there would be no difference in the resulting properties. As the cited references do not teach or suggest this result the test results are sufficient to rebut a case of *prima facie* obviousness if one had been presented.

The secondary reference does not cure any of the defects in the rejections discussed hereinbefore.

Neither of the cited references teaches nor suggests the features claimed in Claims 7, 23, 20, 24, 36 and 41. On this basis alone, these claims are unobvious in view of the teaching of these references.

As no case of *prima facie* obviousness is made out, the rejection must be withdrawn and the claims allowed.

In view of the above amendments, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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